

# Meeting Minutes

## August 7, 2003

### Town of Los Altos Hills

#### City Council Regular Meeting

Thursday, August 7, 2003, 6:00 P.M.  
Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Cheng called the Regular Meeting of the City Council to order at 6:05 p.m. in the Council Chambers at Town Hall.

Present: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmembers Fenwick, Kerr and Warshawsky

Absent: None

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, City Engineer/Director of Public Works Mintze Cheng, Administrative Services Director Sarah Joiner, Assistant Planner Angelica Herrera and City Clerk Karen Jost

Press: Tim Seyfert, Los Altos Town Crier and Kaye Ross, San Jose Mercury News

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Fenwick and passed unanimously to limit the length of time for public comments to three minutes.

2. APPOINTMENTS AND PRESENTATIONS

None

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported on the Planning Commission Meeting of July 24, 2003. Three items had been reviewed at this meeting. They included: a request for a site development permit for a new residence, Lands of Dubey; Lands of Pinewood School, a request for a zoning amendment to allow synthetic turf material for playing fields; and a request for a renewal of a Conditional Use Permit for an existing wireless telecommunications facility, Lands of Nextel Communications, Lands of Fenwick. Cahill noted that Lands of Pinewood School and Lands of Nextel Communications would be forwarded to the City Council for their consideration of final approval in the next few weeks.

4. CONSENT CALENDAR

Items Removed: Item 4.10 (Kerr)

MOTION SECONDED AND CARRIED: Moved by O'Mally, seconded by Warshawsky and passed unanimously, to approve the remainder of the consent calendar with Councilmember Kerr abstaining on Item 4.7 and Councilmember Warshawsky abstaining on Item 4.13, specifically;

- 4.1 Approval of Minutes: Regular City Council Meeting July 17, 2003
- 4.2 Review of Disbursements: 07/10/03 – 07/28/03 \$685,311.34
- 4.3 Approval of Quarterly Interest Report – June 30, 2003
- 4.4 Approval of an Amendment to the Subdivision Ordinance, Title 9, Article 14 Parks and Recreation Requirements, sections 9-1.403, 9-1.405, 9-1.406. Ordinance 429
- 4.5 Approval of Final Map, Padmanabhan Subdivision; Elena Road Reso#54-03
- 4.6. Acceptance of Grant of Pathway Easement – Lands of Woo and Tam; 27890 Elena Road Reso#55-03
- 4.7 Acceptance of Dedication of Right of Way; Lands of Weale; 27181 Sherlock Road Reso #56-03
- 4.8 Request for Closure of Town Hall on Friday, December 26, 2003
- 4.9 Approval of Copier Replacement Reso#57-03
- 4.11 Implementation of Matrix Consulting Group’s Recommendations for the Planning and Building Departments: Operating Hours and Fee Change Schedule
- 4.12 Approval of Revision to Standing Committee Resolution #24-03-Reso #58-03
- 4.13 Award of Westwind Pathway Rehabilitation Project Reso # 59-03
- 4.14 Approval of a Request for a Site Development Permit for a 720 square foot Pool and a Variance to allow the Pool and Decking to Encroach into the Rear Seatback; Lands of Lloyd, 12824 Brendel Drive (79-03-ZP-SD-VAR)
- 4.15 Acceptance of Dedication of Right of Way; Lands of Arnheim; 14241 Miranda Road Reso #60-03

Item Removed:

- 4.10 Consideration of Revision to Resolution No. 1179 Titled “Resolution Authorizing Deposit of City Monies in or Withdrawal from the Local Agency Investment Fund in the State Treasury”

Councilmember Kerr requested clarification on this item. Administrative Services Director Sarah Joiner explained that the resolution before Council is revised annually to include the persons authorized to deposit and withdraw funds from LAIF.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by O'Malley and passed unanimously to adopt the resolution amending Resolution No. 1179 and updating the positions authorized to request transactions from LAIF.

## 5. UNFINISHED BUSINESS

### 5.1 Update on Mayor's Goals

#### 5.1.1 New Town Hall – Status Report

Councilmember Kerr reported on the July 28, 2003 New Town Hall Committee Meeting. The Committee heard a presentation from a firm recommended by the Architect that employs an innovative approach to bidding and construction called multiple prime contracts. Kerr explained this process is presently being used by schools and other public agencies for project construction. The Committee is continuing to investigate this process and will hear a proposal from the firm at their next meeting.

The Committee also reviewed current schematic drawings of the new Town Hall and made several recommendations to the Architect including the addition of more windows.

Councilmember Kerr expects the project to be scheduled for a Public Hearing at a Planning Commission Meeting in early Fall, 2003.

#### 5.1.2 Undergrounding of Utilities – Status Report

##### 5.1.2a Consideration of Proposal for Consulting Services – R.W.Beck

Councilmember Warshawsky explained Council had before them a request from the Undergrounding Committee to approve the expenditure of not-to-exceed \$20,000 for the consulting services of R. W. Beck. The firm would provide an updated feasibility and cost analysis for the conversion of overhead utility facilities to underground services. Beck's update would be based on new information obtained since their 2001 report including: new Comcast maps that reflect areas of Town currently undergrounded; refined mileage of public and private streets; physical inspection of the terrain of Los Altos Hills; and the consideration of new technologies including directional boring.

Councilmember Warshawsky added that this report would provide the Committee with the necessary information to move forward with an informational pamphlet for the citizens of the Town. He noted that the most important factors too most residents are cost and the affects of undergrounding to their property.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Fenwick and passed unanimously to approve the request for the expenditure of funds not to exceed \$20,000 from the Town's reserves for the consulting services of R. W. Beck, Inc to perform an updated feasibility and cost analysis of underground service.

### 5.1.3 Master Pathway Map – Status Report

Dot Schreiner, 14301 Saddle Mountain Drive, reported that the group is continuing to work on pathway documentation. She noted that their progress has been slowed by summer vacations and scheduling. They are presently reviewing Grant Deeds and Town resolutions. Les Earnest has been working on additional issues and has been forwarding updates to staff. Schreiner noted that two concerns that the group would like Council to be aware of: 1) the resolutions from 1970-1984 on pathways are missing; and 2) specific path easements on roads (example Princess Elena) state in their dedication that the off road paths are for the private use of subdivision residents only. Schreiner feels this will cause problems if the Town wishes to continue the path. She added that some of the language in the recently adopted Parks and Recreation Ordinance could additionally promote private pathways and add to this problem. The group will bring this issue before the Pathway Committee for consideration of amending the language of the Ordinance.

### 5.1.4 Storm Water Master Plan – Status Report

City Engineer /Director of Public Works Mintze Cheng reported that staff had sent out a Request for Proposals for this project on July 21, 2003. A meeting was held on August 5<sup>th</sup> for interested consultants to ask questions of staff and review the project. The deadline for submittal of bids is August 19<sup>th</sup>. Staff will return to Council for consideration of the proposal in September.

5.1.5 Visit to China to Explore Business Opportunities – Spring 2004  
Postponed for consideration until Spring 2004.

## 5.2 Consideration of Final Payment of Charges to Goldman Architects

Administrative Services Director Sarah Joiner addressed Council. She explained that the request for payment of services before them is the final billing from John Goldman Architects. Staff has reviewed the additional information, explanations and documentations requested to support these charges and have concluded that it is appropriate to pay the amount requested in the invoice. Joiner noted that Mr. Goldman has offered to discuss all of the findings and conclusions of his consultants' work with Peter Duxbury, at no charge to the Town. Mr. Goldman has also provided the Town with all of his reports and drawings.

Councilmember Kerr asked if the invoice contained any "mark-up" for services. Joiner explained these were direct charges with an overhead charge of approximately \$97.00.

**MOTION SECONDED AND CARRIED:** Moved by Fenwick, seconded by O'Malley and passed by the following vote to approve payment of the final billing from John Goldman Architects in the amount of \$27,749.37. Funds for this payment were appropriated in the fiscal year 2002-2003 budget.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Fenwick and Councilmember Warshawsky  
NOES: Councilmember Kerr  
ABSENT: None  
ABSTAIN: None

Mayor Cheng noted that it would be helpful to know how much information from the reports performed for the previous project could be used. City Manager Cassingham explained that Peter Duxbury would be providing this information to the New Town Hall Committee at their next meeting.

### 5.3 Update on Sewer Master Plan – HDR Engineering

City Engineer Mintze Cheng introduced this item to Council. She explained that in August, 2002, Council had approved an agreement with HDR Engineering for the preparation of the Sanitary Sewer Master Plan that will serve as the strategic planning guide for upgrading, improving and expansion of the Town's sanitary sewer infrastructure.

Cheng noted that the preparation of a sanitary sewer master plan consists of three main tasks: 1) to collect recorded system information; 2) conduct flow monitoring and project the needs of the existing sewer infrastructure; and 3) to develop a capital improvement plan that will enable the Town to provide reliable and cost-effective sewer services.

Cheng introduced Christina Hartinger and John Larson, HDR Engineering, to present an overview of their preliminary findings.

Larson and Hartinger addressed Council. Since the project started in August 2002, Tasks 1 and 2 have been completed on time and within budget and Task 3 is currently in progress. Based on the work completed to date, the major findings were being presented in a technical memorandum that Council had before them. HDR proceeded with a power point presentation of key factors in their work to date, notably; there are 51 miles of sewers in Los Altos Hills with 24 miles discharging to the City of Palo Alto and 27 miles discharging to the City of Los Altos; approximately 50% of the Town's residences are not connected to sewers and rely on septic systems; HDR has video inspected 6.5 miles of sewer and a majority are in satisfactory condition; periodic maintenance of our sewer system is recommended; \$4-7 million will be needed to meet future facility needs and HDR anticipates that Town will require increased effort for permit compliance for NPDES regulatory requirements.

In response to Council's questions regarding funding for sewer projects, Cheng explained that at the conclusion of Fiscal Year 2003-2004 the Sewer Enterprise Fund will have approximately \$2 million in reserve. Cheng added that the final report from HDR will be forwarded to Council upon completion and if Council desires a study session with the consultant it can be scheduled at that time.

## 6. NEW BUSINESS

### 6.1 Appointment to the Los Altos Library Commission - (1) Vacancy

Mayor Cheng thanked former Mayor Bob Johnson for volunteering for this very important position and added that the Town is grateful for his dedication to community service.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed unanimously to appoint Bob Johnson to the Los Altos Library Commission for a term of four years.

6.2 Appointment to the Open Space Committee – (1) Vacancy

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by O'Malley and passed unanimously to appoint Barbara Mordo to the Open Space Committee for a term of four years.

6.3 Appointments to the Committee for Public Education in Los Altos Hills (7) Vacancies

Council had before them applications from eight residents for consideration - Stacey Ahrens, Roger Burnell, Edward Emling, Kathy Evans, Nancy Kelem, Jill Jensen, John Swan and Debra Vallner.

Councilmember Fenwick suggested that this item be postponed. He expressed his concern that the pool of applicants was very narrow and there was a limited range of geographical diversity. Council did not concur.

Council interviewed candidates and verified their address and school boundary as outlined in the Standing Committee Resolution 58-03: members shall be selected so as to ensure, to the extent possible, a broad representation of all residents of the Town. No more than three (3) members of the Committee may be both (a) a parent of a child between the ages of four and twelve, and (b) a resident of the Bullis School boundary area of the Los Altos Unified School District.

MOTION SECONDED AND FAILED: Moved by O'Malley, seconded by Kerr, and failed to amend Standing Committee Resolution 58-03 to increase the membership of the Public Education Committee to eight (8).

Mayor Cheng noted that it was important to have a fair representation on the Committee.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed unanimously to amend Standing Committee Resolution 58-03 to increase the membership of the Public Education Committee from seven (7) to nine (9).

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky to direct staff to advertise the vacancies stipulating the need for candidates from the Loyola School and Palo Alto School jurisdiction.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Fenwick and passed unanimously to appoint Roger Burnell, Edward Emling, Kathy Evans, Nancy Kelem, Jill Jensen, John Swan and Debra Vallner to the Public Education Committee .

6.4 Consideration of Voting Delegate for the 2003 League of California Cities Annual Conference

MOTION SECONDED AND CARRIED: Moved by Fenwick, seconded by O'Malley and passed unanimously to appoint City Manager Maureen Cassingham as the Voting Delegate for the 2003 League of California Cities Annual Conference.

6.5 Proposed Extension of the Friends of Westwind, Inc. Lease of Westwind Barn

Councilmember Warshawsky stepped down from consideration of this item due to a conflict of interest created by the proximity of his property to Westwind Barn.

City Manager Maureen Cassingham introduced this item to Council explaining that at tonight's meeting, Council is considering a new lease or extension of the current lease of Westwind Barn with the Friends of Westwind Inc. which will expire on February 28, 2004 and the formation of a subcommittee to negotiate on behalf of the Town. Cassingham added that the companion License Agreement with the Friends regarding the grazing at Byrne Preserve should also be revisited with the Barn lease. Cassingham noted that the current lease and license agreement were entered into nearly a decade ago and considering the changes and evolving circumstances at the Barn and within the Town, staff believes it is appropriate to revisit the current lease and license or draft a new lease of the premises and grazing license. She noted that the six month "notification" period should be adequate to complete the task.

Following Council discussion a sub-committee of Mayor Pro Tem O'Malley, City Manager Maureen Cassingham, Dan Alexander, President-Friends of Westwind Barn, Susan Dunn, Friends of Westwind, Karen Bergh, Parks and Recreation Committee Member and Elaine Nelson, Open Space Committee Member was formed to review the lease and report back to Council in early October.

6.6 Proposed Website Policy for the Town of Los Altos Hills

City Manager Cassingham introduced this item to Council. The Ad Hoc Information Technology Strategic Planning Committee developed and unanimously approved the draft website policy that Council had before them for consideration. The draft website policy describes the standards and guidelines by which the Town will manage information on the website. Included in the proposed policy are sub-policies which address privacy, Town links to external websites, external links to the Town's website event calendaring and legal noticing.

MOTION SECONDED AND CARRIED: Moved by Fenwick, seconded by Kerr and passed unanimously to adopt the Town of Los Altos Hills Website Policy.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember Fenwick modeled the orange vest that had been selected by the Emergency Communications Committee as their official “uniform”. It will assist in identifying them during an emergency and is designed with numerous pockets for gear.

Councilmember Fenwick reported on the Community Relations Committee meeting. He announced that this year’s Newcomers Party would be held at the Mayor’s residence.

Councilmember Warshawsky reported on the Pathway Committee elections: Chris Vargas-President, Ginger Summit-Vice Chair, and Nancy Ginzton-Secretary.

8. STAFF REPORTS

8.1 City Manager

City Manager Cassingham updated the Council on the status of the State budget. The State Senate and Assembly passed substantially similar versions of a budget for 2003-2004. The legislature is in recess and when it reconvenes, lawmakers will reconcile the differences and make minor corrections and amendments. By the end of that session, September 12, the Town will have a better understanding of the State budget impact.

Cassingham explained that two elements of the budget would impact the Town: 1) the “triple flip”; and 2) the VLF loan. The “triple flip” is an arrangement to swap ½ of our local sales tax for an equal amount of property tax. This will affect the revenue stream for the Town. We receive our sales tax monthly and the revenues for FY 2004 was approximately \$112,000. Regarding the VLF loan, the State has “borrowed” approximately \$107, 000 and is scheduled for repayment in 2006. There is a possibility that the State may renege on its promise to repay the loan.

Cassingham added that when more is known about the State budget’s impact on the Town, a report will be forwarded to the Finance & Investment Committee and back to Council late September or the first meeting in October.

8.2 City Attorney

8.2.1 Definition of Private/Public Roads

At the request of Council, City Attorney Steve Mattas had prepared a memorandum on the definition of a “private road”. Mattas noted that this could be used as background or base information for staff and committees.

8.3 City Clerk

8.3.1 Report on Council Correspondence

Council identified two correspondence items for consideration:

- 1) Letter from Supervisor Pete McHugh regarding a vacancy on the IRP Board.

PASSED BY CONSENSUS: To direct the Mayor to send a letter on behalf of the Council advising Supervisor McHugh that no Councilmember is available to serve in this capacity at this time.

- 2) Letter Mayor Michael Kasperzak, Mountain View, requesting support in their position of opposition to the relocation of the 129<sup>th</sup> RQW squadron from Moffet Field to Castle Airport.

PASSED BY CONSENSUS: To direct the Mayor to send a letter on behalf of the Council to the appropriate legislators and officials opposing the relocation of the 129<sup>th</sup> RQW from Moffett Field.

## 9. COUNCIL-INITIATED ITEMS

- 9.1 Consideration of Proposed Donation of Louis Jambor Painting of Former Town Resident Violet Sziklai – Mayor Cheng

Council had before them a letter from resident Katherine Alexander, daughter of former Town resident Violet Sziklai, offering the donation of a painting of her mother by her famous painter father, Louis Jambor to the Town of Los Altos Hills.

Council discussion ensued.

PASSED BY CONSENSUS: To postpone the acceptance of the donation until such time as the Town can adequately house or display the Jambor painting.

- 9.2 Consideration of Appointment of Council Representatives (2) to meet with the Los Altos School District's Subcommittee for Discussions on the Proposed Use and Lease of a Portion of Bullis Site for Park/Recreation Purposes – Councilmember Kerr

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Fenwick and passed unanimously to appoint Councilmember Warshawsky and Councilmember Kerr to represent the Council in discussions with the Los Altos School District's City/Board subcommittee on the proposed use and lease of a portion of the Bullis School site.

## 10. PRESENTATIONS FROM THE FLOOR

Cyrus Gheryi, 27400 and 27360 Elena Road, addressed Council. He explained that he is concerned that the Town staff is not adequately resolving some outstanding issues he has with the Town. Gheryi added that he believes these are serious safety issues with an open culvert.

Council directed Mr. Gheryi to put his request in writing for Council review and consideration of agendizing the item.

Richard Blanchard, San Antonio Hills Association, presented Council with a brief synopsis of the relationship between Los Altos Hills and San Antonio Hills noting that the two entities share a common border; San Antonio Hills is in the sphere of influence of Los Altos Hills; and opportunities exist for informal and formal cooperation on roads, infrastructure, zoning and construction. Blanchard expressed his concern with the recent plans for development at the Church of Redeemer.

Council directed Mr. Blanchard to work with the City Manager on bringing this issue forward to a future Council Meeting.

Les Earnest, 12769 Dianne Drive, proposed Council consider naming a short public road that currently has no name after the Town's benefactor Countess Bessenew who donated most of the Westwind property and sold the balance to the Town for a mere \$25,000. The road goes from Altamont Road through Byrne Preserve, to Westwind Barn. In the tradition of our town of using women's first names he suggested Margit Way as a good choice and one that he supports.

## 11. PUBLIC HEARINGS

### 11.1 Discussion regarding the Santa Clara County and Stanford University proposal to relocate a portion of the S1 Sub-Regional Trail onto Old Page Mill Road and Caltrans I-280 right of way West of Christopher's Lane in Los Altos Hills

Planning Director Cahill introduced this item to Council. Cahill explained that the County of Santa Clara is in the process of circulating a Notice of Preparation of a Supplemental Environmental Impact Report for the S1-D trail. The County will be preparing the SEIR to evaluate three alternative routes to the S1 trail in order to relocate a portion of the S1 sub-regional trail route off of Stanford lands onto Old Page Mill Road and the CalTrans I-280 right of way in Los Altos Hills. The proposed trail would run along the I-280 right of way behind single-family residences on the southwesterly side of Christopher's Lane, in Los Altos Hills, back onto Stanford land and through what is known as the Cow Tunnel crossing underneath I-280.

The three trail alignments being reviewed under the scope of the Counties EIR are referred to as S1-A, S1-C and S1-D. Trail alignments S1-B and S1-E part of the five original potential alignments were eliminated from review by the Board of Supervisors. S1-B permanently and S1-E will only be considered after all other options prove infeasible.

Cahill noted that the S1-D Trail alignment is not consistent with the planned regional trail connections as shown in the Town's General Plan and will likely have significant impacts on private property owners in the Christopher's Lane/Old Page Mill Road neighborhood. This route will also require pedestrians to cross busy roadways and intersections.

Staff has expressed their concerns regarding the significant impact to neighborhoods, potential traffic problems, safety issues and the potential impact to surrounding natural environment including Matadero Creek and the surrounding wetlands in writing to the County. Cahill added that the trail will create problems for residents and hikers and the S1-D has very low recreational value.

Cahill added that staff is particularly concerned that the scope of the proposed EIR does not adequately consider reasonable alternatives to the three options noting that the County's own Parks Department favored the S-1B and S1-E with the S1-E trail rating a high recreational value and a low risk to public safety factor.

Staff is recommending that the Council consider directing staff to schedule a meeting with the Mayor, staff and CalTrans officials to determine the likelihood of the County and Stanford actually obtaining a longitudinal encroachment in the I-280 right of way from CalTrans and when the EIR is prepared to direct the City Attorney to review the County's proposal to prepare and SEIR that does not fully consider feasible project alternatives and advise Council accordingly.

City Attorney Steve Mattas explained that staff is also seeking direction from Council to authorize staff to send a letter to the County requesting that the EIR analysis include all of the originally proposed alternatives including the S1-E route and to receive public input on all options.

Council concurred with Planning Director Cahill that the proposed S1-D trail will have significant negative impact on Town residents.

#### OPENED PUBLIC HEARING

Les Earnest, 12769 Dianne Lane, noted that after reviewing the County's proposal he had arrived at the same conclusion as Town staff. Earnest favors the "cherry stem" route that he proposed originally S1-F.

Tim Heffington, Planner, Santa Clara County, presented an historical overview to Council. Heffington noted that the S1-A route is a variation of the original alignment that was considered in the General Use Permit. He explained that all routes were presented to the Board of Supervisors for their consideration. The Board directed staff to include the three routes mentioned by Mr. Cahill in their analysis for the EIR and to only revisit S1-E if the other three are deemed not feasible. S1-B was eliminated from consideration. The County is presently collecting input for their NOP and will prepare the Draft EIR for public comment and input.

Heffington added that County staff has meet with CalTrans for discussion of the proposed encroachment permits.

Mr. Pratt, Gerth Lane Homeowners Association, noted for Council that Linda Lane and Gerth Lane would also be negatively impacted by the County's proposal. Pratt read into the record a statement from the Gerth Lane Homeowners outling their concerns.

Patty Ciesla, 11990 Page Mill Road, expressed her disappointment in the actions of Stanford to renege on their commitment and urged the Council to do what is right for the Town's residents. She noted that the Countywide Trails Master Plan has no authority or jurisdiction over the Town. The Town has the right to reject the S1 trail and she hoped the County would reconsider including all of the trail alternatives in their analysis. Ciesla added that all three of the County's proposals place a burden on the Town and have very limited recreational value and safety concerns.

Mark Frederick, Santa Clara County representative, outlined Stanford's obligations as defined in their Conditions of Approval for their development project. Stanford is paying for the EIR and is only willing to review S1-A, S1-C and S1-D. Per their agreement with the County, they are only obligated to build S1-A.

Brian Schmidt, Legislative Advocate for the Committee for Green Foothills, addressed Council and noted that he supports Town staff's request that S1-E be considered in the County's analysis as an alternative.

Dr. Christina Fa, Christopher's Lane resident, expressed her support of staff's position and strongly urged Council to request the County increase their scope of review to include S1-B and S1-E. Fa explained that she is concerned that the present EIR will recommend approval of S1-D without the benefit of alternatives. This route would present many potential problems including traffic, parking, and the ability of emergency services for both the homeowners on the affected streets and the recreational users of the trails.

Scott Gephart, Christopher's Lane resident, thanked staff and Council for recognizing the negative impact these trails would have on the residents. He is particularly concerned about the hazardous traffic situations and parking congestion.

Margo Pratt, 2215 Gerth Lane, questioned the ownership of Old Page Mill Road and urged the Council to not let Stanford and the County close the road.

Jim Abraham, 12831 Viscaino Road, expressed his opinion stating the actions of the County, Palo Alto, and Stanford are consistent with their disregard for surrounding communities. He suggested that if the Town does not resolve this issue satisfactorily, Council consider getting an injunction.

## CLOSED PUBLIC HEARING

Mayor Cheng voiced her concerns with the County's proposal. She noted that it was inconsistent with our General Plan and requested direction from the City Attorney on the legality of challenging the EIR.

City Attorney Mattas advised Council that they could request the Board of Supervisors expand the scope of the document to include the S1-E alternative, however, it would be

premature to take legal action at this time. The appropriate timing of any legal action would be following certification of the EIR.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed unanimously for the Mayor, on behalf of the Council, to send a letter to the Board of Supervisors urging the Board to expand the scope of the SEIR for the Countywide Trails Master Plan with regard to the Stanford University S1 Trail Alignment to include the S1-B and S1-E alternatives and to inform them that two of the three proposed alternatives S1-A and S1-D were unacceptable to the Town.

CITY COUNCIL MEETING RECESSED at 8:00 pm  
CITY COUNCIL MEETING RECONVENED at 8:10 pm

11.2 Lands of Mendez, 27581 Elena Road (108-03-CUP); A request for a Conditional Use Permit for a commercial stable.

Planning Director Carl Cahill introduced this item to Council. Cahill explained that at their July 12<sup>th</sup> Planning Commission meeting, the Commissioners had unanimously recommended approval for the requested Conditional Use Permit with modified conditions. Originally, the applicant had planned to construct a new residence on the site and the barn would have been permitted as an accessory structure, however, the property owner has since decided to delay building the home but wishes to keep their horses on the property for private training and boarding. This constitutes a commercial stable and requires a Conditional Use Permit. Cahill added that the CUP would be reviewed after one year and then every three years adding that the facility meets or exceeds standards of any other stable facility in Town.

Mayor Pro Tem O'Malley clarified "commercial" stable by noting that the owners do not intend to board other horses and this will be a private facility.

OPENED PUBLIC HEARING

Ken Pastrof, representative for the owners and project manager, concurred with O'Malley, explaining this will be a private training facility. He explained the organic pest (fly) control system that is being put in place at the stables.

Shari Emling, 11853 Murietta Lane, voiced her concern that the CUP for a commercial stable stays with the property and feels this could prove to be very detrimental.

Gail Solomon, neighbor of the project, explained that she is very concerned that the home will not be built. She commended the Mendez family for a beautiful structure however she is concerned that the residence would not be built and she would like a condition of approval on the CUP that deems it is not transferable to a new owner if the property should be sold.

City Attorney Steve Mattas explained that all Conditional Use Permits run with the land.

Dot Schreiner, 14301 Saddle Mountain Drive, questioned if the Town's code does not permit an assignment that makes the CUP non transferable or assignable.

Councilmember Kerr explained that he had walked the pathway easement on the property and asked Schreiner if she was aware of the path alignment after you leave the Mendez property. Schreiner said she would research this issue.

#### CLOSED PUBLIC HEARING

Mayor Cheng, noted that there was an additional letter from a neighbor of the property expressing concern over potential traffic issues. Cheng added that she has visited the site and it is quite wonderful, however, she understands the neighbors concerns. Originally the applicant intended to build a residence and now the intent of the site has changed. The neighbors have voiced concerns about traffic, noise, events and health issues from the flies. She would like an opinion from the City Attorney regarding the transferability of the CUP for a commercial stable.

City Attorney Mattas noted that the Use Permit runs with the land in perpetuity. They are written with requirements of periodic reviews to ensure that the conditions are being met. Reviews are required after any change of ownership to ensure that the facilities are in compliance and the CUP can be revoked if it is determined there is a nuisance or a clear violation of the conditions.

**MOTION SECONDED AND CARRIED:** Moved by Warshawsky, seconded by Fenwick and passed by the following roll call vote to approve the conditional use permit for a commercial stable (Maple Leaf Farm) Lands of Mendez, 27581 Elena Road, subject to the original conditions of approval with the following modified conditions: 1) they allow up to two (2) public events per year on the premises subject to review and approval by the Planning Department prior to the event; and 2) that the City Council review the subject permit one (1) year from the date of the permit approval and then every three (3) years thereafter or upon the ownership transfer of the property to ensure that the use and operation of the facility complies with the conditions of the Use Permit.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Fenwick,  
Councilmember Kerr and Councilmember Warshawsky  
NOES: None  
ABSENT: None  
ABSTAIN: None

#### 11.3 Appeal of a Planning Commission's approval of a Site Development Permit for a new pool, deck and landscaping improvements: Lands of Shimmon; (202-02-ZP-SD-GD) 24301 Elise Court.

Planning Director Carl Cahill introduced this item to Council noting that the applicant had made significant revisions to his plans to comply with the Town's grading policy. Cahill added that the project, as revised, should have minimal offsite aesthetic impact.

Cahill introduced Assistant Planner Angelica Herrera to answer any questions from Council.

Ed Shimmon, applicant - 24301 Elise Court, thanked Council for visiting his property. He and his landscape architect have worked closely with staff to meet Town's policies and looks forward to getting a swimming pool on his property.

OPEN PUBLIC HEARING  
CLOSED PUBLIC HEARING

Councilmember Fenwick suggested that a project of this scope could best be served by an administrative review and approval. Councilmember Kerr concurred.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed by the following roll call vote to approve the revised project plans subject to the conditions of approval of Attachment 1 to the staff report to the City Council dated August 7, 2003 for the site development permit for a new swimming pool, deck and landscape improvements; Lands of Shimmon; 24301 Elise Court.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Fenwick,  
Councilmember Kerr and Councilmember Warshawsky  
NOES: None  
ABSENT: None  
ABSTAIN: None

11.4 Introduction of Proposed Amendment to the Zoning Code Ordinance with regard to Residential Care Facilities as a permitted accessory use and structure, Section 10-1.701

Mayor Cheng noted that the approval of this Ordinance would bring the Town into compliance with State law.

Assistant Planner Angelica Herrera introduced this item to Council and concurred with the Mayor's observation adding that the purpose of this proposed ordinance is to bring the Town Zoning Code into compliance with State law and will also satisfy one of the goals of the Town's Housing Element.

OPENED PUBLIC HEARING  
CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Fenwick, seconded by O'Malley and passed unanimously to waive reading and introduce the ordinance amending section 10-1.702 (Accessory uses and structures permitted (R-A)) of Article 7 (Residential-Agricultural District (R-A)) of Chapter 1 (Zoning) of Title 10 (Zoning and Site Development) of the Los Altos Hills Municipal Code.

Council adjourned to Closed Session at 10:05 p.m.

12. CLOSED SESSION

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING  
LITIGATION: Government Code Section 54956.9(a): Campbell and Ligeti v. Town of  
Los Altos Hills

CLOSED SESSION: Conference with legal counsel pursuant to Government Code  
Section 54956.95 regarding a potential claim by Carl Cottrell against the Town

CLOSED SESSION: Pursuant to Government Code Section 54956.8: Conference with  
Real Property Negotiator -  
Property: – APN 175-56-3

Agency Negotiators: Maureen Cassingham and Steve Mattas

Negotiating Parties: Town of Los Altos Hills and Purissima Hills Water District

Under Negotiation: Terms and Conditions related to Lease of Property

The City Council reconvened to the Regular City Council meeting at 10:30 pm.

First Closed Session Item: The City Council provided direction to staff and no action was taken.

Second Closed Session Item: The City Council by a 5-0 vote voted to deny the claim filed by Carl Cottrell.

Third Closed Session Item: The City Council provided direction to staff and no action was taken.

### 13. ADJOURNMENT

The Regular City Council Meeting of August 7, 2003 was adjourned at 10:35 p.m.

Respectfully Submitted,

Karen Jost  
City Clerk

The minutes of the Regular City Council Meeting of August 7, 2003 were approved as amended at the Regular City Council Meeting of September 4, 2003.